

EXHIBIT 8

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**ANYWHERECOMMERCE, Inc. and
BBPOS LIMITED,**

Plaintiffs,

v.

**INGENICO, INC., INGENICO CORP.,
INGENICO GROUP, SA, and INGENICO
VENTURES SAS,**

Defendants.

Civil Docket No: 1:19-cv-11457-IT

REBUTTAL EXPERT REPORT OF MICHAEL SHAMOS, PH.D., J.D.

CONFIDENTIAL

47. In ¶ 47, Mr. Zatkovich refers to a threat by Ingenico to “destroy” BBPOS. He does not indicate to whom, if anyone, any such threat was communicated, or indicate how it might be relevant to the allegations in this case.

48. In ¶¶ 52-55, Mr. Zatkovich attempts to develop a storyline in which ROAM spills BBPOS confidential information to Ingenico, citing an email thread between Mr. Graylin and Mr. Rotsaert. I am informed by Mr. Rotsaert that the email concerned a joint development workshop between BBPOS & Ingenico, and that BBPOS was fully aware of the people copied on the technical emails and raised no objection at the time because the work being conducted was joint.

VII. TECHNICAL BACKGROUND – POS AND MPOS DEVICES

49. Paragraphs 56-61 of the Zatkovich Report are devoted to technical background, again without citations to any source. Some of the material appears correct but incomplete. Other material is simply incorrect.

50. In ¶ 56, Mr. Zatkovich describes communication between POS devices and a payment server, mentioning WiFi as a possibility. However, cellular communications and short-range technologies such as Bluetooth can also be used.

51. In ¶ 57, Mr. Zatkovich says that mPOS devices need to be “typically smarter than typical POS devices since they have to communicate securely with many types of mobile phones and manage the power of their smaller batteries more efficiently.” He does not say what “smarter” means, and mPOS devices can also draw power from the host mobile phone (e.g., through the audio jack). Further, such an mPOS device does not necessarily have its own battery. Magstripe-only devices such as G5x and the Square magstripe dongle usually have a non-rechargeable battery which requires optimization of power consumption to maximize battery life.

194. Mr. Zatkovich has not shown that any disclosure of the alleged trade secrets to parties in privity with Defendants contained any indication that any such disclosure was confidential.

195. Mr. Zatkovich has not shown that any of the alleged trade secrets has been misappropriated by any Defendant

196. Mr. Zatkovich has adduced evidence that the claims against Defendants were not brought within any applicable statute of limitations period.

Executed March 18, 2022 at Oakland, California.


Michael I. Shamos